

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KESLOSKY,

Plaintiff

v.

BOROUGH OF OLD FORGE,

Defendant

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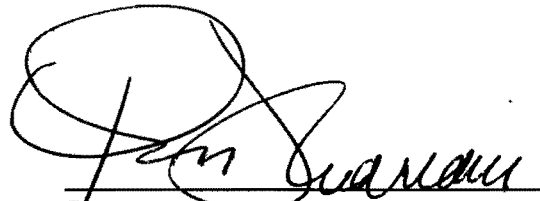
3:08-CV-1240
(JUDGE MARIANI)

ORDER

AND NOW, THIS 28th DAY OF AUGUST, 2015, upon consideration of Defendant Borough of Old Forge's Motions in Limine (Doc. 176) and all accompanying briefs, **IT IS HEREBY ORDERED THAT** Defendant's motion is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. Defendant's motion to preclude testimony regarding the settlement of civil action *Keslosky v. Old Forge Borough, et al.* (3:93-cv-1751) is **DEFERRED** pending a hearing on the issues outlined by the Court in the accompanying memorandum opinion. A hearing on Defendant's first motion in limine shall be held on Monday, September 28, 2015, following jury selection and prior to the parties' opening statements.
2. Defendant's motion to preclude evidence regarding lost wages after September 10, 2004 is **GRANTED IN PART AND DENIED IN PART**:

- a. Plaintiff will not be permitted to offer any evidence to support a claim of lost wages which would have derived from work as a police officer at any time after June 30, 1999.
 - b. Plaintiff may attempt to introduce evidence to support a claim for lost wages as of the date of his request to return to work following the completion of his military service in August, 2004, for any non-police officer position as to which he can establish he was qualified to perform in accordance with 38 U.S.C. § 4313(a)(4).
3. Defendant's motion to preclude testimony regarding the criminal convictions of Lawrence Semenza and James Krenitsky is **GRANTED**.
4. Defendant shall file of record the 1997 settlement agreement from civil action 3:93-cv-1751 on or before **Monday, September 21, 2015**.



Robert D. Mariani
United States District Judge